

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

UNITED STATES OF AMERICA

v.

EMORY JACKSON

)  
)  
)  
)  
)  
)

No. 2:20-CR-65

ORDER

This matter is before the Court on defendant's Motion to Continue Trial, [Doc. 88]. The Court held a May 24, 2021 in-person hearing on the motion, during which, the government stated on the record that it does not oppose defendant's motion. Defendant avers additional time is needed for defendant to investigate and gather evidence. [*Id.*]. Under these circumstances, counsel has not had a reasonable amount of time in which to prepare adequately for a June 2021 trial. The Court finds that this delay is in the interest of justice pursuant to 18 U.S.C. § 3161(h)(7)(A).

For those reasons, defendant has shown good cause to grant the relief requested in the motion. The Court concludes defendant has not had enough time to retain a criminal investigator to ascertain the whereabouts of two potential witnesses, interview the aforementioned witnesses, and to inspect the two firearms at issue from the Tennessee Bureau of Investigation. Further, notwithstanding the exercise of due diligence, counsel has not had sufficient time to conduct the necessary investigations in preparation for trial. *See* 18 U.S.C. § 3161(h)(7)(B)(ii). As a result, counsel has not had a reasonable amount of time in which to prepare adequately for the trial itself or even to determine the need to file pretrial motions. Defendant's motion is **GRANTED**. *See* 18 U.S.C. § 3161 (h)(7)(B)(i), (ii).

The Court hereby notifies the parties that the trial will commence on Tuesday, **September 7, 2021 at 9:00 a.m.** at the James H. Quillen United States Courthouse in Greeneville, Tennessee in Courtroom 420 before the Honorable J. Ronnie Greer. It is hereby ORDERED that the Lafler-Frye hearing is set for Tuesday, **September 7, 2021 at 8:30 a.m.** Additionally, all subpoenas previously issued in this case shall

remain in effect and should reflect the trial time of September 7, 2021 at 9:00 a.m. The pretrial motion deadline is **August 3, 2021**, and the plea deadline is now **August 24, 2021**. Requests for special jury instructions are to be submitted five (5) days before trial.

For the reasons stated above, all time between the filing of this order and the new trial date identified above is hereby declared “excludable time” under the Speedy Trial Act. The ends of justice served by the granting of this continuance outweigh the best interests of the public and Defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). All provisions in the Order on Discovery and Scheduling not explicitly amended by this order shall remain in effect.

So ordered.

ENTER:

---

s/J. RONNIE GREER  
UNITED STATES DISTRICT JUDGE